node with the highest priority, the priority determining
apparatus comprising in each node:

    priority logic means for permitting access to the
represented device if no higher priority node has
requested access; and

    highest priority node specification means
responsive to the bus for specifying whether the
node is presently the highest priority node and, if
the node is presently the highest priority node,
dynamically giving the highest priority to another
of the nodes in response to a predetermined number
of accesses of the bus by one of the set of
devices, wherein

[The apparatus set forth in claim 1 and wherein:]
the highest priority node specification means
includes [a] counter means for counting a number of
accesses to the bus and, responsive to a programmed
value, gives the highest priority to another node
on a next access by a node to the bus.

REMARKS

The Examiner has rejected certain of the claims under
the judicially created doctrine of obviousness-type
double patenting as being unpatentable over certain
claims of commonly assigned U.S. Patent 4,926,419.

Responsive thereto there is appended to this response a
timely filed terminal disclaimer in compliance with 37
C.F.R. 1.321(b). As a result of the filing of this
terminal disclaimer the Examiner's rejection has been

overcome and the Examiner is respectfully requested to reconsider and remove his rejection.

The Examiner has objected to Claim 4.

Responsive thereto Claim 4 has been amended above to cast Claim 4 into independent form and to incorporate the limitation of the base claim (Claim 1). Claim 4 is thus also believed to be allowable and the Examiner is respectfully requested to reconsider and remove his objection.

The Examiner is thanked for allowing Claims 15-19.

U.S. Patent 4,814,974 (Narayanan et al.) that was cited by the Examiner, but not relied upon, has been considered. This patent discloses programmable priority generators (col. 7, line 14-col. 8, line 39) that include programmable memory 200. Order of priority of devices is said to be achieved by reprogramming the memory 200 to change the contents of words.

The Examiner is agreed with that this patent does not anticipate or make obvious the claims of the instant patent application.

Also appended to this response is a copy of an International Search Report recently received for the PCT equivalent of this application. The three references cited therein, all designated as "A" references, are already of record in this application.
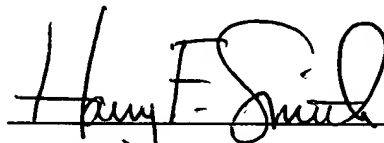
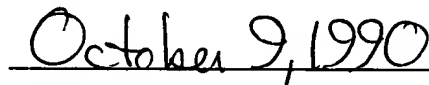This response is believed to fully address the Examiner's rejection and objection expressed in the

above-referenced office action. The claims of the instant patent application are believed to be allowable and an early indication of same is earnestly solicited. Should any matter remain outstanding that would impede the issuance of this application the Examiner is invited to contact the undersigned at any of the numbers appearing below.

Respectfully submitted,

Harry F. Smith   October 9, 1990
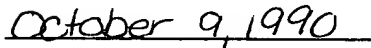Harry F. Smith   Date
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

October 9, 1990   Gail Conway
Date   Name of Person Making Deposit